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Epic Games, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,  
v.

APPLE INC..

**Defendant, Counterclaimant,**

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF YONATAN  
EVEN IN SUPPORT OF EPIC  
GAMES, INC.'S SUR-REPLY IN  
RESPONSE TO APPLE'S REPLY  
IN SUPPORT OF ITS MOTION TO  
STRIKE WRITTEN AND ORAL  
TESTIMONY OF DR. MICHAEL I.  
CRAGG**

## The Honorable Yvonne Gonzalez Rogers

1 I, Yonatan Even declare as follows:

2 1. I am an attorney licensed to practice in the State of New York and admitted to  
3 appear before this Court *pro hac vice* in *Epic Games, Inc. v. Apple Inc.*, Case No. 4:20-cv-  
4 05640-YGR-TSH. I am a partner at the law firm of Cravath, Swaine & Moore LLP and am one  
5 of the attorneys representing Epic Games, Inc. (“Epic”) in the above-captioned action.

6 2. I submit this declaration in support of Epic’s Sur-Reply in Response to Apple’s  
7 Reply in Support of Its Motion to Strike Written and Oral Testimony of Dr. Michael I. Cragg.  
8 The contents of this declaration are based on my personal knowledge except as to matters  
9 stated on information and belief. As to those matters stated on information and belief, I am  
10 informed and believe them to be true. If called to be a witness, I could and would testify  
11 competently to the contents of this declaration.

12 3. On May 14, 2021, I handed up to the Court a document titled “An economic  
13 assessment of the effects of the Apple Agreement in Australia”, dated October 20, 2020,  
14 bearing the Bates range SPOT-EPC-00001047-1066, which was referenced during the trial  
15 testimony of Epic’s economic rebuttal expert Dr. Michael I. Cragg, given during a closed  
16 session of the Court on May 13, 2021. A true and correct copy of that same document is  
17 attached to this declaration as **Exhibit A**.

18 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is  
19 true and correct and that I executed this declaration on May 18, 2021, in Oakland, California.

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22 /s/ Yonatan Even  
Yonatan Even  
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